

Serial No. 10/663,949
Atty. Doc. No. 2003P07614US

REMARKS

Claims 1-22 are pending and presented for examination. No claims have been amended, added or canceled by way of this response. Applicants respectfully request reconsideration and allowance of the pending claims in view of the following remarks.

Response To Rejections Under Section 102:

Claims 1-4, 12 and 15-17 stand rejected under 35 U.S.C. § 102(e), the Examiner contending that these claims are anticipated by Barker (USPAN 2003/0015431) and anticipated by Ramanarayanan (High Temperature Ion Conducting Ceramics).

Applicants respectfully submit that the declaration of prior inventorship previously filed on February 18, 2005 under 37 C.F.R. 1.131 antedates and overcomes the Barker and Ramanarayanan references. In particular, the 102(e) date of the Barker reference is July 23, 2001 and the 102(e) date of the Ramanarayanan reference is April 6, 2001, and Applicants declaration proves conception and diligent reduction to practice prior to these dates (see e.g. para 4).

Response To Rejections Under Section 103:

Claims 5-8 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Barker in view of Jensen, and Ramanarayanan in view of Jensen. Claims 9-11 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Barker in view of Clemmer, and Ramanarayanan in view of Clemmer. Claims

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13 and 14 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Barker in view of Ramanarayanan, and Ramanarayanan in view of what would have been obvious to one of ordinary skill in the art. Claim 18 stands rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Barker in view of Cable, and Ramanarayanan in view of Cable.

In view of the 37 C.F.R. 1.131 declaration, reconsideration and withdrawal of the Section 103 rejections, each of which rely upon Barker or Ramanarayanan, is respectfully requested.

Applicants Claimed Invention

Applicants appreciate the Examiner's notation that, according to Herman, plasma spraying has been used since the mid-1950's to form metal alloy, ceramic and cermet coatings on a range of metallic substrates. Applicants respectfully submit that its invention first solved the long felt need for the particularly claimed plasma sprayed ceramic-metal fuel electrode.

Conclusion


For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including

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the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d) for total independent claims in excess of 3, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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